

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA,

Plaintiff,

14cr0145

ELECTRONICALLY FILED

v.

NICOLE MURPHY,

Defendant.

ORDER OF COURT RE: MOTIONS IN LIMINE (DOC. NOS. 21, 25)

Defendant is charged with one count of deprivation of rights under color of law. A jury trial is scheduled to begin on November 17, 2014, with jury selection on November 12, 2014. Presently before this Court are the Parties' Motions in Limine (one filed by the Government and one filed by Defendant). Doc. Nos. 21, 25. The following Order is entered after consideration of the Motions in Limine, briefs in support contained therein, and briefs in opposition. Doc. Nos. 21, 25, 29.¹

1. The Government's Motion in Limine to Exclude Use of Improper "Good Character" Evidence at Trial (Doc. No. 21), in which the Government seeks to prevent Defendant from presenting specific instances of Defendant's good conduct, including but not limited to evidence of awards and commendations she has received as a police officer, is **GRANTED**. Defendant's prior "good" actions are not relevant to the elements of the offense charged and therefore are excluded pursuant to Federal Rules of Evidence 404 and 405.

¹ Defendant did not file a response to the Government's Motion in Limine to Exclude Use of Improper "Good Character" Evidence at Trial. A Response was due to be filed on or before November 4, 2014. Doc. No. 18.

2. Defendant's Motion in Limine to Exclude Proposed Fed.R.Evid. 404(b) Evidence (Doc. No. 25), in which Defendant moves this Court to exclude evidence related to her: (1) prior arrest for DWI; and (2) fraternizing with an individual who was known to have a drug-related criminal record is **GRANTED**. Defendant's motion to prohibit evidence of the conduct noted above pursuant to Rule 404(b) of the Federal Rules of Evidence is **GRANTED WITHOUT OBJECTION as to the Government's case-in-chief**. Examination may make this evidence admissible on cross-examination.

SO ORDERED, this 6th day of November, 2014,

s/ Arthur J. Schwab

Arthur J. Schwab

United States District Judge

cc: All Registered ECF Counsel and Parties